

# FINAL BILL REPORT

## SB 5778

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Synopsis as Enacted

**Brief Description:** Modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014.

**Sponsors:** Senators Wilson and Zeiger.

**Senate Committee on Higher Education**  
**House Committee on Higher Education**  
**House Committee on Appropriations**

**Background:** The Veterans Access, Choice, and Accountability Act. The Veterans Access, Choice, and Accountability Act (Act) was enacted in 2014. Under the Act, public institutions of higher education are required to provide in-state tuition to eligible veterans and dependents by July 1, 2015, in order for the institution to remain eligible to receive payments under the All-Volunteer Force Education Assistance Program (Montgomery GI-Bill) and Post-9/11 Educational Assistance (Post-9/11 GI Bill).

Resident Student Qualifications for Veterans. In 2015, the Legislature updated the definition of resident student to maintain state-wide eligibility for the Montgomery and Post-9/11 G.I. Bills. The updated language allows for a student to qualify for resident tuition if they meet any of the following:

- a student who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, is eligible for federal veterans education assistance benefits, and who enters an institution of higher education in Washington within three years of separation;
- a student who is a spouse, former spouse, or child and is entitled to veterans administration educational assistance benefits (Benefits) based on their relationship to an individual who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, and who enters an institution in Washington within three years of separation; or
- a student who is entitled to Benefits based on their relationship with a deceased member of the uniformed services who completed at least 90 days of active duty service and died in the line of duty, and the student enters an institution in Washington within three years of the service members' death.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A qualifying student who remains continuously enrolled at an institution retains resident student status. These definitions of resident student do not apply to students who have a dishonorable discharge from the uniformed services, unless the student is receiving Benefits.

Modification of Veterans Access, Choice and Accountability Act. In December 2016, Congress passed Public Law 114-315 which modified 38 U.S.C. 3679(c). Individuals using the Marine Gunnery Sergeant John David Fry Scholarship are no longer required to enroll within three years of the service member's death, and there is no longer a requirement that the deceased service member's death in the line of duty follow a period of active duty service of 90 days or more. A new category of individuals, consisting of people using transferred Post-9/11 G.I. Bill benefits while the transferor is on active duty was added.

**Summary:** A student who is entitled to transferred post-9/11 G.I. Bill benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services, is a resident student and retains resident student status as long as the student remains continuously enrolled at an institution of higher education.

Individuals seeking resident student status by using the Marine Gunnery Sergeant John David Fry Scholarship are no longer required to enroll within three years of the service member's death that they are related to, and the requirement that the deceased service member's death in the line of duty follow a period of active duty service of 90 days or more is also removed.

Students who qualify as a resident student because they are entitled to transferred post-9/11 G.I. Bill benefits are added to the list of student categories that the residency section does not apply to if the student's spouse or parent had a dishonorable discharge from the uniformed services.

**Votes on Final Passage:**

Senate	49	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** July 23, 2017